

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

DARRYL LEE HAAN,

Plaintiff,

v.

CVS INC., HUMANA, and
FLORIDA MEDICAID,

Defendants.

Case No. 8:19-cv-2462-T-60AAS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Amanda A. Sansone, United States Magistrate Judge, entered on April 7, 2020. (Doc. 21). Judge Sansone recommends Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 1) be denied, and his latest amended complaint (Doc. 15) be dismissed because Plaintiff fails to state a cause of action against each Defendant. On April 10, 2020, Plaintiff filed an objection to the report and recommendation. (Doc. 22).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify,

in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge Sansone's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge Sansone's detailed and well-reasoned factual findings and legal conclusions. The report and recommendation thoughtfully addresses the issues presented, and the objection does not provide a basis for rejecting the report and recommendation. Plaintiff had several opportunities to file a facially sufficient complaint, but he failed to do so even after Judge Sansone specifically identified numerous pleading deficiencies. Consequently, Plaintiff's *in forma pauperis* motion is denied, and this action is dismissed.

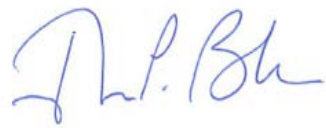
Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Sansone's report and recommendation (Doc. 21) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 1) is hereby **DENIED**.

(2) This case is **DISMISSED**. The Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 13th day of April, 2020.

A handwritten signature in blue ink, appearing to read "T. P. Barber", is positioned above a horizontal line.

TOM BARBER
UNITED STATES DISTRICT JUDGE